

APPENDIX D:

LAFCO GENERAL POLICY DETERMINATIONS

**Comprehensive Study of American Canyon
Public Workshop Report**

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
ADOPTED POLICY DETERMINATIONS**

(Adopted: December 11, 1996; Amended: February 10, 1999)

GENERAL POLICY DECLARATIONS

1. INTENT--- SPHERE OF INFLUENCE POLICIES:

It is the intent of the Napa County Local Agency Formation Commission (the Commission) to establish sphere of influence programs that promote the orderly expansion of cities to ensure effective, efficient and economic provision of essential public services, including public sewer and water, fire protection and emergency response, and police protection. It is the Commission's policy not to permit the premature conversion of designated agricultural or open space lands to urban uses.

2. LEGISLATIVE POLICY DETERMINATIONS:

The Commission acknowledges and incorporates into its own policies the following policies adopted by the State Legislature:

A. LEGISLATIVE INTENT:

It is the intent of the Legislature that each local agency formation commission establish policies and exercise its powers in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration given to preserving open space lands within those patterns.
(Government Code Section 56300)

B. POLICIES AND PRIORITIES REGARDING CONVERSION OF OPEN SPACE LANDS:

In reviewing and approving or disapproving proposals which could reasonably be expected to include, facilitate, or lead to the conversion of existing open space lands to uses other than open space uses, each local agency formation commission shall consider all of the following policies and priorities:

1. Guiding development away from existing prime agricultural land. Development or use of land for other than open space uses shall be guided away from existing prime agricultural lands in open space use toward areas containing non-prime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

2. Urban infill within existing jurisdictions preferred. Development of existing vacant or non-prime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside the existing sphere of influence of the local agency. **(Government Code Section 56377)**

C. SPHERES OF INFLUENCE:

1. Definition. A sphere of influence means a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission. **(Government Code Section 56076)**
2. Role of Commission. In order to carry out its purpose and responsibilities for planning and shaping the local and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the Commission shall develop and determine the sphere of influence of each local government agency within the county. **(Government Code Section 56425)**

3. AGRICULTURAL/OPEN SPACE GUIDELINES & POLICIES:

A. USE OF COUNTY GENERAL PLAN DESIGNATIONS:

In evaluating a proposal, the Commission will use the Napa County General Plan to determine designated agricultural and open space lands. The Commission recognizes that inconsistencies may occur between the County General Plan and the affected city general plan with respect to open space designations. Notwithstanding these potential inconsistencies, the Commission will rely on the Napa County General Plan in recognition of the public support expressed in both the incorporated and unincorporated areas of Napa County for the County's designated agricultural and open-space lands through enactment of Measure "J", the Agricultural Lands Preservation Initiative passed by the voters in 1990.

B. TIMING OF URBAN DEVELOPMENT:

The Commission shall guide development away from designated agricultural or open space lands until such times as urban development becomes an overriding consideration in providing for the health and welfare of the citizens of the County and the affected city.

C. FACTORS FOR EVALUATING PROPOSALS INVOLVING AGRICULTURAL OR OPEN SPACE LANDS:

A proposal which includes agricultural or open-space designated land shall be evaluated in light of the existence of the following factors:

1. "Prime agricultural land", as defined by Government Code Section 56064.
2. "Open-space land", as defined by Government Code Section 56059.
3. Land which is under contract to remain in agricultural or open space use, such as a Williamson Act Contract or Open Space Easement.
4. Land which has a Napa County General Plan agricultural or open space designation (Agricultural Resource or Agriculture, Watershed and Open Space).
5. The adopted general plan policies of the County and the affected city.
6. The agricultural economic integrity of land proposed for conversion to urban use as well as adjoining land in agricultural use.
7. The potential for the premature conversion of adjacent agricultural or open-space designated land to urban use.
8. The potential of vacant non-prime agricultural land to be developed with a use which would then allow the land to meet the definition of prime agricultural land under the Williamson Act .

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POLICIES PERTAINING TO CITIES

1. SPHERE OF INFLUENCE POLICIES AND GUIDELINES ADOPTED BY THIS COMMISSION:

A. SPHERE OF INFLUENCE POLICIES

1. Location of Urban Development. The basic policy of the Commission in the establishment of a city sphere of influence boundary line shall be that urban development within a city's sphere of influence shall be developed under the jurisdiction of the city. If urban development is legally required by the County, such development should conform to the applicable city standards and be the subject of a joint city-County planning effort.
2. Use of County General Plan Agricultural and Open Space Designations. When establishing a city sphere of influence boundary line, the Commission shall use the most recently adopted Napa County General Plan as the basis to identify designated agricultural and open space lands.
3. Avoidance of Inclusion of Agricultural and Open Space Lands. Land specifically designated as agricultural or open space lands shall not be approved for inclusion within any city sphere of influence for purposes of urban development. An agricultural or open-space designation shall be recognized by the Commission as designating the land as non-urban in character in regard to the existing use of the area or its future development potential. Exceptions to this policy may be considered by the Commission based on information submitted to the Commission provided by the affected city which responds to criteria contained in Section B. - Sphere of Influence Amendment Guidelines.
4. Preference for Infill. When reviewing proposals for the expansion of a city sphere of influence, the commission will consider the amount of vacant land within the existing jurisdiction and sphere of influence of the affected city. To discourage urban sprawl and encourage the orderly formation and development of cities in Napa County, the Commission will encourage proposals that promote the infill of existing vacant or underdeveloped land thereby maximizing the efficient use of existing city services and infrastructure. The Commission will discourage proposals for development of vacant or open-space land that requires the extension of urban facilities, utilities, and services where infill is more appropriate.

5. Adopted Spheres of Influence as Guide for City Annexations. When municipal spheres of influence have been adopted by the Commission, they shall be used as a guide in the consideration of city annexation proposals. Adoption of such spheres shall not be construed to indicate carte blanche approval of any annexation proposal merely because the land is included within the sphere of influence.

B. SPHERE OF INFLUENCE AMENDMENT GUIDELINES:

As part of the Commission's deliberations to consider adoption of or amendment to a city sphere of influence boundary, the Commission will consider the following criteria:

1. Land Use.
 - (a) The present and planned land uses in the area, including designated agricultural and open-space lands.
 - (b) Consistency with the Napa County General Plan and the affected city general plan.
 - (c) Adopted general plan policies of the County and affected city which guide future development away from designated agricultural or open space land.
 - (d) Adopted city policies which promote infill of existing vacant or underdeveloped land.
 - (e) Amount of existing vacant or underdeveloped land located within the city's municipal boundary and current sphere of influence.
2. Municipal Services.
 - (a) The present capacity of public facilities and adequacy of public services provided by the city within the current municipal boundary and the adopted plans of the city to improve any municipal service deficiency, including adopted capital improvement plans of the city.
 - (b) The present and probable need for public facilities and services within the area proposed for inclusion within the city's sphere of influence and the city's plans for the delivery of services to the area.

2. COOPERATIVE PLANNING AND DEVELOPMENT PROGRAMS:

A. ROLE OF ADOPTED SPHERE OF INFLUENCE IN AGENCY PLANNING:

The urban area as delineated by the established sphere of influence line, having been developed by the Commission in cooperation with the affected city and County, should be recognized and considered as part of planning and development programs of the affected city, any affected special district, and the County.

B. PREFERENCE FOR INFILL WITHIN THE CITY'S JURISDICTION OR WITHIN THE CITY'S ADOPTED SPHERE OF INFLUENCE:

To maximize the efficient use of existing city services and infrastructure and discourage the premature conversion of agricultural and open-space lands to urban uses, the Commission shall encourage the city to develop first those existing vacant and under-developed lands located within the city's jurisdiction or within the city's adopted sphere of influence. The Commission shall encourage the development of vacant or under-developed land located within the city's jurisdiction before the annexation of land that requires the extension of urban facilities, utilities, and services.

C. INTERAGENCY COOPERATION:

Urban development and utility expansion programs should be planned and programmed by the city on a staged basis in cooperation with the County and the Commission.

D. RESTRICTIONS ON URBAN DEVELOPMENT APPROVALS BY COUNTY WITHIN CITY SPHERE OF INFLUENCE:

No urban development should be permitted by the County to occur on unincorporated land within a city's designated Sphere of Influence. If approval of urban development in such areas is legally required of the County, such development should conform to applicable city standards and be the subject of a joint city-County planning effort.

E. EXCLUSION OF UNSERVABLE AREAS:

Areas which cannot be provided with an urban level of essential public services, such as public water, sewer, fire protection and emergency response shall be considered for sphere inclusion and eventual annexation and development only on an exceptional basis. Economic and planning justification for such annexations shall be provided to the Commission by the city.

3. ANNEXATION POLICIES:

A. IN GENERAL:

The following policies shall apply to all proposed annexations to a city:

1. Inclusion in Sphere of Influence. The affected territory shall be included within the affected city sphere of influence prior to issuance of the Executive Officer's certificate of filing for the subject annexation proposal. For annexation proposals initiated by resolution of the city council, the Executive Officer may agendaize both the sphere of influence amendment and annexation application for Commission consideration and action at the same meeting.
2. When Pre-zoning is Required. All territory exceeding 10 acres proposed for annexation to a city shall be pre-zoned by the affected city in a manner consistent with the adopted city general plan. Applications involving the annexation of land exceeding 10-acres shall be accompanied by a certified City Council resolution approving the pre-zoning for the affected territory along with a copy of the environmental document completed by the city pursuant to the California Environmental Quality Act (CEQA).
4. Waiver of Pre-zoning. The Commission may waive the pre-zoning requirement for an annexation proposal within the city sphere of influence if the Commission finds application of the policy would be detrimental to the public health, safety, or general welfare.
5. Exception for Island Annexations. These policies shall not apply to applications for annexation of unincorporated islands which meet the criteria of Section B.- Island Annexation Policies.

B. COMMISSION POLICIES AND CRITERIA - ISLAND ANNEXATIONS:

1. Criteria for Substantially Surrounded Islands:
 - (a) A "substantially surrounded" island means an unincorporated island which is 66-2/3 % surrounded by the affected city.
 - (b) The outside boundary of an unincorporated island less than 100% surrounded shall be the affected city sphere of influence boundary line.

2. Criteria for Determining a Developed Island. A developed island shall substantially meet all the following criteria:
 - (a) The island shall have a housing density of at least .5 units per gross acre.
 - (b) All parcels within the island can readily receive from the affected city or any affected special district basic essential services including but not limited to police protection, fire protection, public water and sanitation.
3. Policy Regarding Annexations Within an Identified Island Area. When an annexation proposal includes territory within a developed island, the Commission shall invite the affected city to amend the boundary of the proposed annexation to include the entire island. To the extent permitted by law, the Commission reserves the right to expand the boundaries of the proposed annexation to include the entire island.

C. ANNEXATION OF MUNICIPALLY-OWNED LAND:

1. Restricted Use Lands Owned by Public Agencies. The Commission shall to disapprove annexation of publicly-owned land designated agricultural or open-space or subject to a Williamson Act contract unless the land will be used for a municipal purpose and no suitable alternative site reasonably exists within the affected city's sphere of influence.
2. Facilities Exempt from Policy. Municipal purpose shall mean a public service facility which is urban in nature such as water and sewage treatment facilities and public buildings, but shall not include land which is vacant or used for wastewater reclamation irrigation, a reservoir, or agricultural, watershed or open space.

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POLICIES PERTAINING TO SPECIAL DISTRICTS

1. MULTI-USE DISTRICTS OR COUNTY SERVICE AREAS:

A. IN LIEU OF NEW DISTRICT CREATION:

Where a limited-purpose special district exists and additional services are required for an unincorporated area designated as urban by the Napa County General Plan, the Commission encourages, in lieu of creating a new special taxing district, either the use of county service areas to provide the extended services or reorganization of the existing limited services special district as a special district capable of providing multiple urban services.

B. PREFERENCE FOR DISTRICTS CAPABLE OF PROVIDING ALL ESSENTIAL SERVICES:

All new special districts proposed for formation in the unincorporated urban areas as designated under the Napa County General Plan should be capable of providing essential urban type services which include but are not limited to water, sanitation, fire protection, and police protection.

2. SPECIAL DISTRICT SPHERE OF INFLUENCE GUIDELINES AND POLICIES:

A. GUIDELINES:

1. Single Boundary. Only one Sphere of Influence boundary line will be drawn for each district.
2. Boundary to Reflect Service Capacity. The location and character of the boundary line should be responsive to existing and planned service facilities. Planned facilities are those to be constructed within a ten (10) year period.
3. Review Schedule. The Commission shall determine periodic review dates for an affected special district sphere of influence at the time the Commission establishes the sphere of influence boundary line and policies. Such review will not be less than every ten (10) years.

B. POLICIES:

1. Urbanizing Effect of Services. It shall be a basic policy of the Commission when considering establishment of a special district sphere of influence that extension of urban services acts to promote urban development and that urban development belongs in urban areas.

2. Exclusion of Agricultural and Open-Space Lands. Land designated agricultural or open-space by the applicable city or County general plan shall not be approved for inclusion within any district sphere of influence for purposes of urban development through the extension of essential public services. Such designations shall be recognized by the Commission as designating the land as non-urban in character in regard to the existing use of the area or its future development potential. The Commission may consider exceptions to this policy based on evidence provided by the affected district which demonstrates all of the following:
 - (a) The expansion is necessary in order to provide public water or sewer to an existing parcel to respond to a documented public health hazard.
 - (b) The affected district can provide adequate public water or sewer service to the affected territory without extending any water or sewer mainline more than 1,000 feet.
 - (c) The expansion will not harm land in agricultural or open space use.
 - (d) The expansion will not promote conversion of agricultural or open space land to urban use.
3. Adopted Sphere of Influence as Guide to Annexations. The Commission shall use an adopted special district sphere of influence as a guide when considering subsequent annexations to the affected special district, but mere inclusion of land within an adopted sphere of influence shall not be construed as carte blanche approval of any annexation proposal for that land.
4. Joint Applications. When an annexation is proposed outside an affected district's adopted Sphere of Influence, the Commission may consider both the proposed annexation and the necessary change in the sphere of influence at the same meeting, but amendment to the sphere of influence boundary to include the affected territory shall be considered and resolved prior to Commission action on the proposed annexation.

3. COOPERATIVE PLANNING AND DEVELOPMENT PROGRAMS:

A. ROLE OF ADOPTED SPHERE OF INFLUENCE IN AGENCY PLANNING:

The service area of a special district as delineated by the adopted sphere of influence boundary, having been developed by the Commission in cooperation with all affected agencies, should be recognized and considered as part of the planning and development programs of any affected district, city and the County.

B. SERVICE EXPANSION PROGRAMS:

A district should plan and program its service expansion programs on a staged basis in cooperation with the County, any affected city, and the Commission.

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POLICIES PERTAINING TO THE COUNTY OF NAPA

1. LOCATION OF URBAN DEVELOPMENTS:

Land use developments of an urban character and nature should be located within areas designated as urban areas by the Napa County General Plan in close proximity to a city or special district which can provide essential public services. Urban development should be discouraged if it is apparent that essential services necessary for the proposed development cannot readily be provided by a city or special district.

2. USE OF COUNTY SERVICE AREAS:

In those unincorporated urban areas where essential urban services are being provided by the County, the Board of Supervisors should consider the establishment of county service areas so that area residents and property owners pay their fair and equitable share for the services received.

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DUAL ANNEXATION POLICY

1. CITY OF NAPA - NAPA SANITATION DISTRICT:

A. ANNEXATIONS TO THE DISTRICT:

All annexation proposals to the Napa Sanitation District located outside of the City of Napa shall first be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission, is located within the City Residential Urban Limit Line (RUL) as adopted by the City, and annexation is legally possible.

B. ANNEXATIONS TO THE CITY:

All 100% consent annexation proposals to the City of Napa located outside of the Napa Sanitation District shall be required to annex to the Napa Sanitation District if the affected territory is located within the District's sphere of influence and if sanitation service is available.

2. CITY OF AMERICAN CANYON - AMERICAN CANYON FIRE PROTECTION DISTRICT

A. ANNEXATIONS TO THE DISTRICT:

All annexation proposals to the American Canyon Fire Protection District located outside of the City of American Canyon shall be required to annex to the City if the affected territory is located within the City's sphere of influence as adopted by the Commission and if annexation is legally possible.

B. ANNEXATIONS TO THE CITY:

All annexation proposals to the City of American Canyon located outside of the American Canyon Fire Protection District shall be required to annex to the District if the affected territory is located within the District's sphere of influence.

3. WAIVER OF DUAL ANNEXATION POLICY:

The Commission may waive the Dual Annexation policy based on unique conditions or circumstances surrounding the annexation proposal which make application of the policy impractical and will not result in the annexation of lands designated agricultural or open space by the applicable city or County general plan.

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POLICIES PERTAINING TO REORGANIZATIONS

1. ENCOURAGEMENT OF REORGANIZATION:

The Commission encourages reorganization proposals as a means of coordinating actions of local governmental agencies involving, but not limited to, annexation of land to two public agencies. The Commission recognizes the usefulness of the reorganization concept as a vehicle designed to simplify and expedite such actions.

2. DESIGNATION OF CONDUCTING AUTHORITY:

The Commission shall designate which affected city shall be the conducting authority for the purpose of completing a reorganization proposal involving two or more cities. If the reorganization involves a city and a public agency other than a city, the Commission shall designate the city as the conducting authority.